

RESOLUTION NO. F2006-01

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE FOOTHILL/EASTERN TRANSPORTATION CORRIDOR AGENCY CERTIFYING FINAL SUBSEQUENT ENVIRONMENTAL IMPACT REPORT TCA SEIR 4 FOR THE SOUTH ORANGE COUNTY TRANSPORTATION INFRASTRUCTURE IMPROVEMENT PROJECT PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

February 23, 2006

On motion of Board Member Campbell, duly seconded and carried, the following resolution was adopted:

WHEREAS, the South Orange County Transportation Infrastructure Improvement Project ("SOCTIIP") in the form of the Foothill Transportation Corridor-South has been identified as a needed facility in studies of existing and projected travel demand in Orange County beginning in the early 1970's, and including the 1976 Southeast Orange County Circulation Study; and

WHEREAS, the Multimodal Transportation Study and Refinement Study (1979) evaluated land use and transportation alternatives for Orange County; and

WHEREAS, the Foothill Transportation Corridor-South ("Foothill-South") was added to the Orange County Master Plan of Arterial Highways by the Orange County Board of Supervisors in August, 1981; and

WHEREAS, the County of Orange conducted baseline environmental studies and preliminary engineering analyses for the Foothill Transportation Corridor, and prepared and certified Environmental Impact Report No. 123; and

WHEREAS, the Southern California Association of Governments ("SCAG") and the San Diego Association of Governments ("SANDAG") are the metropolitan planning organizations for Southern California and are responsible for preparing and evaluating regional transportation plans and transportation improvement programs for Southern California; and

WHEREAS, SCAG and SANDAG certified environmental impact reports evaluating the regional transportation plans and alternatives thereto; and

WHEREAS, the SCAG and SANDAG regional transportation plans and the regional transportation improvement programs identify the Foothill-South as a necessary component of the regional transportation system in Southern California; and

WHEREAS, SCAG and SANDAG included the Foothill-South in their respective transportation improvement programs and have certified that the regional transportation plans and transportation improvement programs conform with the requirements of the State Implementation Plan adopted pursuant to the Federal Clean Air Act; and

WHEREAS, the South Coast Air Quality Management District and the California Air Resources Board included the SCAG Regional Transportation Plan as a component of the South Coast Air Quality Management Plan and identified the Foothill South as a Transportation Control Measure in the South Coast Air Quality Management Plan after analyzing regional alternatives for achieving attainment with the National Ambient Air Quality Standards of the Federal Clean Air Act; and

WHEREAS, the Foothill/Eastern Transportation Corridor Agency ("TCA") prepared EIR No. 3 to evaluate the potential environmental effects of the Foothill-South and of alternatives to Foothill-South including the C and BX alignment alternatives for the Foothill-South; and

WHEREAS, the TCA prepared and certified EIR No. 3, including Supplemental EIR No. 3, and selected the modified C alignment as the locally preferred alternative on October 10, 1991, and the modified C alignment was slightly altered, in consultation with the U.S. Fish and Wildlife Service, to minimize impacts to biological resources, and this alignment was called the CP alignment; and

WHEREAS, the California Legislature placed the Foothill Transportation Corridor on the State Highway System and designated it as State Route 241; and

WHEREAS, in 1993 the Federal Highway Administration ("FHWA"), the U.S. Environmental Protection Agency, ("USEPA"), the U.S. Army Corps of Engineers ("ACOE") and the U.S. Fish and Wildlife Service ("USFWS") entered into that certain Memorandum of Understanding (the "NEPA/404 MOU") establishing a new and integrated process for the evaluation of federally-approved transportation projects in Arizona, California and Nevada under the National Environmental Policy Act ("NEPA"), section 404 of the Clean Water Act and the Endangered Species Act; and

WHEREAS, in accordance with the NEPA/404 MOU, the above federal regulatory agencies, the TCA, Caltrans and the United States Marine Corps initiated a process (the "Collaborative") to govern the integrated environmental evaluations of transportation infrastructure improvements in south Orange County to address regional transportation and mobility needs (referred to herein as the "South Orange County Transportation Infrastructure Improvement Project" or "SOCTIIP"); and

WHEREAS, the federal and state agencies agreed on a Purpose and Need Statement regarding the SOCTIIP, developed and analyzed alternatives including several "no build" and other non-toll road alternatives, and conducted, supervised and analyzed technical studies and independently reviewed the Draft Environmental Impact Statement/Subsequent Environmental Impact Report for the SOCTIIP ("Draft EIS/SEIR"); and

WHEREAS, the TCA issued a Notice of Preparation for the Draft EIS/SEIR in June 2001; and

WHEREAS, duly noticed scoping hearings were held on March 26, 2001, March 27, 2001 and March 29, 2001 concerning the Draft EIS/SEIR; and

WHEREAS, TCA held numerous other consultations and meetings concerning the SOCTIP as described in the Final SEIR section ES 6.2 and section 11; and

WHEREAS, the FHWA and TCA distributed the Draft EIS/SEIR for public review on May 7, 2004 through and including August 6, 2004; and

WHEREAS, FHWA and TCA conducted a public hearing on the Draft EIS/SEIR on June 19, 2004; and

WHEREAS, TCA Draft Subsequent EIR 4 was prepared and circulated pursuant to the provisions of the California Environmental Quality Act (CEQA), the State of California CEQA Guidelines, adopted by the California Resources Agency, and the Foothill/Eastern Transportation Corridor Agency CEQA Procedures; and

WHEREAS, written comments were received during and after the public comment period, and a written response was prepared to written comments and to oral comments at the public hearings and meetings, which responses employ a good faith, reasoned analysis to describe and address the disposition of environmental issues raised by the comments; and

WHEREAS, the Final Subsequent Environmental Impact Report 4 ("TCA SEIR 4"), including responses to comments was distributed to commenting agencies and members of the public on December 6, 2005; and

WHEREAS, the TCA Final SEIR 4 as been prepared pursuant to CEQA and to the State of California CEQA Guidelines and includes the following:

1. Draft EIS/SEIR;
2. Draft EIS/SEIR Technical Studies;
3. Comments received on Draft EIS/SEIR;
4. Responses to comments on Draft SEIR;
5. TCA Final SEIR 4;
6. Staff reports of the Transportation Corridor Agency concerning Draft EIS/SEIR and TCA Final SEIR 4;
7. The resolution of the TCA Board of Directors certifying TCA Final SEIR 4;
8. The Environmental Findings, Statement of Facts in Support of Findings, the Statement of Overriding Considerations and the Mitigation Monitoring and Reporting Program; and

WHEREAS, the Foothill/Eastern Transportation Corridor Agency Board of Directors conducted a duly noticed public meeting concerning the certification of TCA Final SEIR 4 and concerning the selection of the locally preferred alternative on January 12, 2006, and heard evidence from all persons interested in testifying concerning the certification of TCA Final SEIR 4 and the selection of the locally Preferred Alternative for the SOCTIIP; and

WHEREAS, in accordance with the NEPA/404 MOU, the U.S. Army Corps of Engineers and the U.S. Environmental Protection Agency issued their preliminary agreement that the Preferred Alternative identified in TCA Final EIR 4 is the least environmentally damaging practicable alternative and the U.S. Fish and Wildlife Service has preliminarily determined that the Preferred Alternative complies with the requirements of the Endangered Species Act; and

WHEREAS, the Foothill/Eastern Transportation Corridor Agency Board of Directors has reviewed and considered TCA Final SEIR 4 and has considered the oral and written comments on the TCA Final SEIR 4 and the responses thereto:

NOW, THEREFORE, the Foothill/Eastern Transportation Corridor Agency Board of Directors resolves as follows that:

1. The foregoing recitals are true and correct.
2. TCA Final SEIR 4 has been completed in compliance with CEQA, the State of California CEQA Guidelines and the Foothill/Eastern Transportation Corridor Agency CEQA procedures and is hereby certified as adequate and complete.
3. TCA Final SEIR 4 reflects the independent judgment and analysis of the Foothill/Eastern Transportation Corridor Agency.
4. The TCA Final SEIR 4 was presented to the Foothill/Eastern Transportation Corridor Agency Board of Directors and the Board of Directors reviewed and considered the information contained in TCA Final SEIR 4 prior to approving the project.
5. If any section, paragraph or provision of this Resolution shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any remaining provisions of this Resolution.

6. This Resolution shall take effect from and after its adoption.

PASSED AND ADOPTED this 23rd of February 2006, by the following vote:

AYES: Ryan, Bone for Amante, Anderson, Bist, Campbell,
Dahl, Galloway, Herzog, MacLean, Murphy, Norby,
Allevato for Swerdlin, Thor, Wilson

NOES: Agran

ABSENT: Amante, Swerdlin

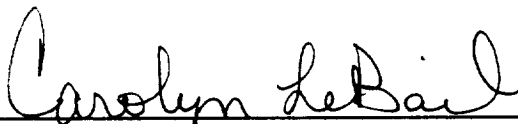


KEN RYAN, CHAIRMAN
FOOTHILL/EASTERN TRANSPORTATION CORRIDOR AGENCY

ATTEST:



ANNITA HENZIE, CLERK OF THE BOARD



CAROLYN LEBAIL, ASSISTANT SECRETARY TO THE BOARD